

**OPINION
68-165**

March 19, 1968 (OPINION)

Mr. G. W. Ellwein

Chief Deputy

Office of State Examiner

RE: Public Funds - Depositories -

Interest Rate

This is in response to your letter in which you refer to section 21-04-18 of the North Dakota Century Code, as amended by chapter 191 of the 1967 Session Laws, and also to section 21-04-13 which was amended by chapter 158 of the 1961 Session Laws. The former section now provides as follows:

"* * * Depositories of public funds in this state shall pay substantially the same rate of interest thereon as such banks pay to individual depositories upon individual deposits."

The latter section (21-04-13), in part, still provides as follows:

"* * * Such notice shall advise the bank that proposals will be received for such deposits, and that the interest rate on such deposits shall not exceed two percent on all call deposits and shall not exceed four percent on time deposits. * * *".

It is quite apparent that the legislature intended to eliminate the maximum and minimum interest rates on deposits. We had occasion to construe the provisions of section 21-04-18, as amended, prevail and govern the interest rates, and that public funds deposited in the banks are entitled to receive the same interest rate allowed on other deposits.

HELGI JOHANNESON

Attorney General